CITY OF MINNEAPOLIS FOR THE DEPARTMENT OF REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Property Located at 1904 15th Avenue S. Located in Minneapolis, MN and owned by Walter Azizi

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on September 20th, 2013, at 9:00 a.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Cynthia Gagnier, Manager of Administrative Services for the Department of Regulatory Services. Walter Azizi the owner of the property was not present for the hearing but was represented by Waima Azizi.

FINDINGS OF FACT

Walter and Mastoura Azizi own the property located at 1904 15th Avenue S.in the City of Minneapolis. The Azizi's address, as listed on the Hennepin County property information records, is 4866 Hamilton Road, Minnetonka, MN.

On September 12, 2008, a rental license application was completed for the property located at 1904 15th Avenue S., Minneapolis, MN. On the rental license application, the applicant was listed as Walter Azizi, with the contact person/property manager listed as Mary Durkop. The rental license application was later updated to remove Ms. Durkop as the contact person/property manager and add Walter Azizi as the contact person/property manager.

On September 1, 2011, Unpermitted Work Inspector Vicki Carey conducted an inspection at 1904 15th Avenue S. after receiving a complaint that work was being conducted without a valid building permit. Inspector Carey observed work being completed on the front stoop, roof and second floor window ledge above the front stoop. Inspector Carey confirmed via a review of the records of the City of Minneapolis, that the proper permits had not been obtained for the work being performed. Inspector Carey issued a Notice of Ordinance/Code Violations. The violation notice ordered the owner, Walter Azizi, to stop the unpermitted work and to obtain the proper permits for the work. The violation notice also informed the owner/property manager that the violation notice served as a Director's Determination of Non-Compliance for failure to comply with Minneapolis Code of Ordinances § 244.1910 (17) and noted that failure to correct the violation or any repeat violation of unpermitted work at any rental dwelling in which the owner had an ownership interest may lead to the revocation, denial, non-renewal or suspension of the rental license for the dwelling where the second violation occurred. The owner obtained the necessary permits on October 23, 2011.

On January 3, 2012, Inspector Carey received a complaint that plumbing work was being completed at 1904 15th Avenue S. without a valid permit. Inspector Carey went to the property and observed evidence that the toilet and bathroom sink had been replaced. Inspector Carey confirmed, via a review of the records of the City of Minneapolis, that the proper permits had not been obtained for the replacement of the toilet and bathroom sink. Inspector Carey issued a Notice of Ordinance/Code Violations. The violation notice ordered the owner, Walter Azizi, to stop any unpermitted work that was occurring and to obtain the proper permits for the plumbing work. The violation notice also informed the owner/property manager that the violation notice served as a Director's Determination of Non-Compliance for

failure to comply with Minneapolis Code of Ordinances § 244.1910 (17) and noted that failure to correct the violation or any repeat violation of unpermitted work at any rental dwelling in which the owner had an ownership interest may lead to the revocation, denial, non-renewal or suspension of the rental license for the dwelling where the second violation occurred.

On February 23, 2012, a review of the City records showed that the owner, Walter Azizi, had not obtained the proper plumbing permits, and Inspector Carey issued a \$200.00 administrative citation to the owner. On April 16, 2012, a review of the City records showed that the owner, Walter Azizi, had not obtained the proper plumbing permits, and Inspector Carey issued a \$400.00 administrative citation to the owner. On April 24, 2012, a plumbing permit was obtained for two toilets and two basins.

On May 17, 2012, Inspector Carey received a complaint that construction work was occurring at 1904 15th Avenue S. Inspector Carey went to the property and observed that the rear steps at the property had been removed and replaced with new steps. Inspector Carey confirmed, via a review of the records of the City of Minneapolis, that the proper permits had not been obtained for the replacement of the rear steps. Inspector Carey issued a Notice of Ordinance/Code Violations. The violation notice ordered the owner, Walter Azizi, to stop any unpermitted work that was occurring and to obtain the proper permits for the replacement of the rear steps. The violation notice also informed the owner/property manager that the violation notice served as a Director's Determination of Non-Compliance for failure to comply with Minneapolis Code of Ordinances § 244.1910 (17) and noted that failure to correct the violation or any repeat violation of unpermitted work at any rental dwelling in

which the owner had an ownership interest may lead to the revocation, denial, non-renewal or suspension of the rental license for the dwelling where the second violation occurred.

On June 12, 2012, a review of the City records showed that the owner, Walter Azizi, had not obtained the proper permits, and Inspector Carey issued a \$200.00 administrative citation to the owner. On July 31, 2012, review of the City records showed that the owner, Walter Azizi, had not obtained the proper permits, and Inspector Carey issued a \$400.00 administrative citation to the owner. On October 18, 2012, the owner, Walter Azizi, obtained a permit for the replacement of the rear steps.

On July 10, 2013, a Notice of Revocation of Rental License or Provisional License was issued to Walter Azizi at his contact address of 4866 Hamilton Road, Minnetonka, MN 55345. The Notice of Revocation stated that the reason for the revocation action was due to a failure of the property to meet the licensing standard set out in M.C.O. § 244.1910 (17) due to having had multiple instances of unpermitted work at the property located at 1904 15th Avenue S.

Waima Azizi, representing the owner of the property, Walter Azizi, admitted that the proper permits were not obtained prior to the commencement of the work at 1904 15th Avenue S. Waima Azizi testified that the permits were all obtained after the property owner was violation notices.

CONCLUSIONS

M.C.O. § 244.1910. states: Licensing standards. (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate

grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

Subdivision 17 of M.C.O. § 244.1910 states: An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

The City of Minneapolis Department of Regulatory Services, Construction Code Services Division issued a valid Notice of Ordinance/Code Violations on September 1, 2011. The Notice of Ordinance/Code Violation also included a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(17) for having unpermitted work completed at the property located at 1904 15th Avenue S.

The City of Minneapolis Department of Regulatory Services, Construction Code Services Division issued a valid Notice of Ordinance/Code Violations on September 1, 2011, for work being completed on the property at 1904 15th Avenue S. without the proper permits. The Notice of Ordinance/Code Violation also included a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(17) for having unpermitted work completed at the property located at 1904 15th Avenue S.

The City of Minneapolis Department of Regulatory Services, Construction Code Services Division issued a valid Notice of Ordinance/Code Violations on January 10, 2012, for work being completed on the property at 1904 15th Avenue S. without the proper permits. The Notice of Ordinance/Code Violation also included a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(17) for having unpermitted work completed at the property located at 1904 15th Avenue S.

The City of Minneapolis Department of Regulatory Services, Construction Code Services Division issued a valid Notice of Ordinance/Code Violations on May 18, 2012, for work being completed on the property at 1904 15th Avenue S. without the proper permits. The Notice of Ordinance/Code Violation also included a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(17) for having unpermitted work completed at the property located at 1904 15th Avenue S.

The City of Minneapolis Department of Housing Inspections issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for violations of M.C.O. § 244.1910 (11) (a), for having outstanding obligations owing to the city under an action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

RECOMMENDATION

That the rental license for the property located at 1904 15th Avenue S., Minneapolis, MN., held by Walter Azizi be revoked.

Dated 0 2 2013

FARIAN HOFFNER

ADMINISTRATIVE HEARING OFFICER